

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 381 of 2000

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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GULF HIGHER SECONDARY SCHOOL, ONGC CAMPUS

Versus

PURANJANBHAI JAYSHANKERBHAI PATHAK  
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Appearance:

M/S TRIVEDI & GUPTA for Petitioners  
MR PR NANAVATI for Respondent No. 1  
GOVERNMENT PLEADER for Respondent No. 2, 3  
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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 28/06/2000

ORAL JUDGEMENT

#. Heard the learned advocates.

#. Petitioners herein are Gulf Higher Secondary School,  
Gulf Education Society and the Project Manager, Oil and

Natural Gas Corporation. Petitioners challenge the judgment and order dated 6th November, 1999 passed by the Higher Secondary School Services Tribunal in Application No.13 of 1997. Only objection raised is in respect of the liability of the Project Manager and other officers of the Corporation. It appears that, Gulf Education Society was established to run the school named Gulf Higher Secondary School to provide education to the children of the officers of the Corporation in English medium. The said school has been closed since 1992. However, services of the respondent No.1, a Clerk, was continued. The respondent No.1 used to defend the Education Society in various litigations. After its closure, respondent No.1 has, on reaching the age of superannuation, retired from service on 30th June, 1998. Though, after the closure of the school, his services were continued, salaries were not paid since 1st January, 1996 till 30th June, 1998. Feeling aggrieved, the respondent No.1 preferred the above Application No.13 of 1997 before the Tribunal. While allowing the said application, the learned Tribunal has observed that the Education Society, the Project Manager and other officers of the Oil and Natural Gas Corporation were liable to pay the salaries of respondent No.1 from 1st January, 1996 to 30th June, 1998.

#. Challenge to the impugned judgment is limited to the liability imposed upon the Project Manager and other officers of the Oil and Natural Gas Corporation.

#. It is obvious that the Project Manager and other officers of the Oil and Natural Gas Corporation were President and Members of the Society by virtue of their office and they cannot be made personally liable to pay the salaries of the respondent No.1.

#. The impugned order, therefore, is modified to the extent that the words "headed by the Project Manager, Cambay Project, O.N.G.C. by virtue of his post and other members who are also the officers of the O.N.G.C." occurring in the order shall stand deleted. Rest of the judgment stands confirmed.

#. The petition is allowed to the aforesaid extent only. Rule is made absolute accordingly. The parties shall bear their own costs. Ad-interim relief is vacated.

(Ms.R.M.Doshit,J.)  
(pathan)